

REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed March 11, 2004. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. The Claims were 1-6. Claims 1, 4 and 6 have been canceled and Claims 7 and 8 have been added. Thus, Claims 2-3, 5 and 7-11 are pending in this case all to more clearly and distinctly claim Applicants' invention. In view of the above amendments and the following remarks, Applicants submit that the presently pending claims are in condition for allowance and notification of such is respectfully requested.

New Claim 7 has been added to incorporate the previous language of previous Claims 1 and 4. New Claim 8 has been added to incorporate the language of previous Claims 1 and 6. New Claims 9-11 depend on Claim 8. Support is found in the specification and claims as originally filed. No new matter has been added.

Rejection Based Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 1-6 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting an essential element. The Examiner states that the omitted elements are (1) a barrier or partition between the region of the hollow space that is to contain the sample solution and the region of the hollow space that is to contain the reference solution and (2) a separate guide member for the sample solution and for the reference solution. Applicants respectfully disagree.

Applicants submit that Claims 1-6 are not missing an essential element. The partition disclosed in the specification is the guide member. See Specification at paragraphs [0038] and [0040]. The partition assists in transmitting separately the sample solution received in the opening in the solution-receiving surface area to the openings on the solution-supplying surface areas for supplying to outside the device the sample solution and the reference solution received in the opening in the solution-receiving surface area to the openings on the solution-supplying surface areas for supplying to outside the device the reference solution. Thus, there is no need to have both a partition and a guide member as suggested by Examiner, since the partition is the guide member. Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

The Examiner also rejection Claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In order to expedite prosecution, Applicants have amended the claims to address Examiner's rejections. Applicants submit that the claims as amended overcome the Examiner rejections under 35 U.S.C. § 112, second paragraph.

Rejection Based On Seshimoto Under 35 U.S.C. § 102 (b)

The Examiner rejects Claims 1-3 and 5 under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 4,789,435 to Seshimoto as applied to new Claims 7 and 8. Applicants respectfully traverse this rejection.

To establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP § 2143.03. Seshimoto discloses a method and device of measuring ionic activity of a liquid sample comprising the steps of spotting a reference liquid and the liquid sample on surfaces of ion-selective membranes, respectively, where at least a pair of ion-selective electrode sheets which are electrically insulated from each other are arranged on the top of the ion-selective membranes; and measuring a potential difference between the ion-selective electrodes under the condition that both liquids are electrically connected to each other by a bridge. See Abstract. Seshimoto also discloses that each ion-selective electrode sheet is arranged upside down in such a manner that the ion-selective membrane is positioned on the lowest side; and each liquid spotted from the upper side is temporarily conveyed downwardly to the lower level than the surface of the ion-selective membrane or the spotting is done on the lower level than the surface of the ion-selective membrane, and then conveyed upwardly to the surface of the ion-selective membrane through an upward passage which has a side wall being clear of the surface of the surface of the ion-selective membrane under the condition that no capillary phenomenon occurs in the clearance between the top of said side wall and the surface of the ion-selective membrane, so as to reach the surface of the ion-selective membrane. See Abstract.

However, Seshimoto does not disclose, teach or suggest a block of insulating material having a rectangular parallelepiped form or a vertically extended rectangular parallelepiped having an upper surface on which the solution-receiving surface area is arranged and other

surfaces including a bottom surface and side surfaces on at least two of which the solution supplying surface area is arranged, which is unlike the present invention.

The present invention claims a device for measuring ionic activity having a block of insulating material, a bridge member , a guide member and a plurality of ion selective electrodes. The present invention also claims that the block of insulating material may have a rectangular parallelepiped form or a vertically extended rectangular parallelepiped where an upper surface on which the solution-receiving surface area is arranged and other surfaces including a bottom surface and side surfaces on at least two of which the solution supplying surface area is arranged. See Specification at paragraphs [0016] and [0018]. Since Seshimoto does not disclose this feature of the present invention, Seshimoto does not disclose each and every claim element of the claimed invention. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

Allowable Subject Matter

Applicants thank the Examiner for indicating that Claims 4 and 6 are allowable if rewritten or amended to overcome the rejection under 36 U.S.C. §112, second paragraph.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

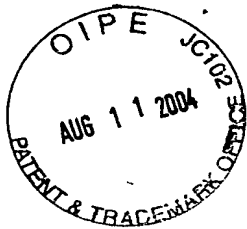
Respectfully submitted,

Dated: August 11, 2004

By



Jules E. Goldberg, Reg. No. 24408
REED SMITH LLP
599 Lexington Avenue
29th Floor
New York, NY 10022-7650
(212) 521-5400
Attorney for Applicant



ANNOTATED SHEET

FIG. 1
Prior Art

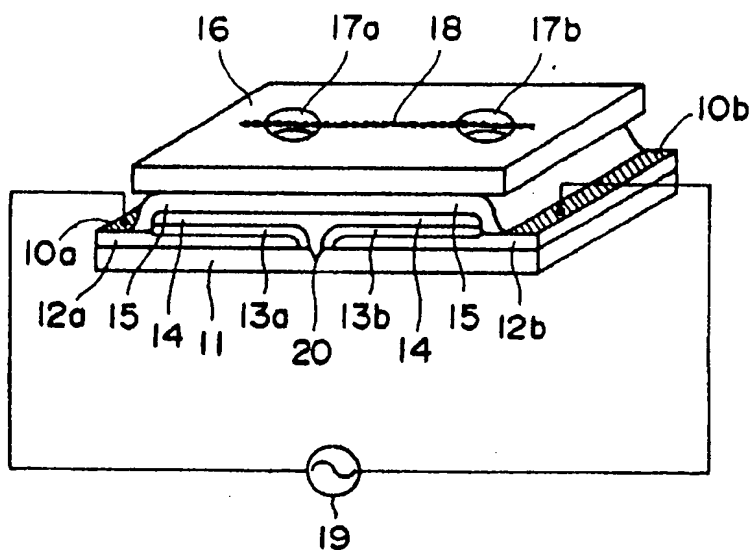


FIG. 2

